

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LOUIS BITOFF,

Defendant/Petitioner.

Case No: 22-mc-51648

Honorable Nancy G. Edmunds  
Magistrate Judge Kimberly G. Altman

**ORDER ACCEPTING AND ADOPTING REPORT AND RECOMMENDATION  
TO DENY THE PETITION FOR RETURN OF FORFEITED PROPERTY  
WITHOUT PREJUDICE [6]**

This miscellaneous action was initiated on November 2, 2022 upon the filing of Petitioner Louis Bioff's Petition For Return of Forfeited Property (the "Petition"). Approximately two weeks later, on November 15, 2022, the Government filed a civil forfeiture complaint against the same property that is the subject of the Petition as well as other assets. *United States v. Currency \$132,713.07 in Funds Seized From Bank Account XXXX9186 Held in the Name of Louis Bitoff at Capital One Bank, Richmond VA, et al.*, Case No. 2:22-cv-12774. Before the Court is the Magistrate Judge's report and recommendation to deny the Petition without prejudice to a Rule 41(g) motion being made in the civil forfeiture case. (ECF No. 6.) Petitioner filed objections to the report and recommendation (ECF No. 7) and the Government responded (ECF No. 8). Petitioner thereafter filed a reply. (ECF No. 9.)

When considering a report and recommendation from a magistrate judge, the Court reviews *de novo* those portions of the report and recommendation to which timely

objections have been made. See 28 U.S.C. §636(b)(1). Thereafter, the Court “may accept, reject, or modify, in whole or in part” the report and recommendation. *Id.* See also Fed. R. Civ. P. 72(b)(3). Objections that lack specificity or those that restate arguments previously presented or simply disagree with the magistrate judge’s conclusions should be overruled. See *Cole v. Yukins*, 7 F. App’x 354, 356 (6th Cir. 2001); *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995); *Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505, 508 (6th Cir. 1991); *Watson v. Jamsen*, No. 16-cv-13770, 2017 WL 4250477, at \*1 (E.D. Mich. Sept. 26, 2017); *Senneff v. Colvin*, No. 15-cv-13667, 2017 WL 710651, at \*2 (E.D. Mich. Feb. 23, 2017) (citing cases). The Court is not “required to articulate all of the reasons it rejects a party’s objections,” if it does not sustain those objections. *Thomas v. Halter*, 131 F. Supp. 2d 942, 944 (E.D. Mich. 2001) (citations omitted).

Here, the Court has conducted a *de novo* review of the report and recommendation in consideration of Petitioner’s objections and has found that it agrees with the reasoning and conclusion of the Magistrate Judge. Because none of the objections from Petitioner persuade the Court that this issue cannot be handled by motion in the related civil forfeiture case, Petitioner’s objections are **OVERRULED**. The Report and Recommendation is therefore **ACCEPTED AND ADOPTED** and the petition is **DENIED WITHOUT PREJUDICE**.

This miscellaneous case is **DISMISSED**.

**SO ORDERED.**

s/ Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: January 25, 2024

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 25, 2024, by electronic and/or ordinary mail.

s/ Lisa Bartlett  
Case Manager